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C O N F I D E N T I A L TEGUCIGALPA 002472

SIPDIS

STATE FOR WHA/CEN, L, T, P, D, IO, S/WCI, S/P

STATE FOR PM/B, CWG/PM, PM/AT

OSD PLEASE PASS OGC/ALLEN

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TAGS: [PREL](#) [KTIA](#) [PGOV](#) [HO](#) [KICC](#) [UNGA](#)

SUBJECT: HONDURAS LIKELY TO CONCLUDE ART. 98 AGREEMENT,
COLOMBIA ASKS RIO GROUP TO DISCUSS ISSUE AT UNGA

Reftel: State 157638

Classified by PolChief Francisco Palmieri, Reasons 1.5
(b) and (d)

[1](#)1. (U) This cable contains an action request. Please see paragraph 4.

[1](#)2. (C) During his August 28 meeting with Honduran Foreign Minister Guillermo Perez-Cadalso, WHA A/S Otto Reich reviewed the importance of an ICC Article 98 bilateral agreement to the U.S. and reviewed the draft model text for a bilateral agreement. The FM told A/S Reich that Honduras would work closely with the U.S. to address U.S. concerns. Reich also underscored the importance of the Article 98 agreement to President Ricardo Maduro in a separate meeting the same date. Maduro understood the logic of the U.S. position and indicated his preliminary support. In addition, A/S Reich covered the issue in his August 28 meeting with Minister of Defense Fred Breve and in a conversation with National Security Advisor Ramon Medina Luna. MFA officials assured Emboffs that Honduras would be likely to conclude such an agreement with the U.S. (Note: Ambassador presented reftel demarche to the FM last week. End Note.)

[1](#)3. (C) Separately, the FM alerted A/S Reich that Colombia has proposed that the Rio Group meet to discuss and study Article 98 agreements. The FM said that the Colombians might want a consensus Rio Group position on proposed U.S. bilateral agreements under Article 98 of the Rome Treaty. Other MFA officials opined privately that the Colombians were most likely seeking regional political cover before proceeding with a bilateral agreement with the U.S. The Hondurans said that there was an effort to organize a meeting of Rio Group FMs on this issue at the UNGA.

[1](#)4. (U) ACTION REQUEST FOR PM/AT: The MFA queried us as to why we did not think that the existing 1954 U.S.-Honduran bilateral agreement already provided sufficient protections from ICC extradition requests for U.S. troops based in or visiting Honduras. Post will explore this issue with Joint Task Force-Bravo lawyers, but requests State's PM/AT provide input on the appropriate U.S. response.

[1](#)5. (C) COMMENT: MFA officials went to great lengths to assure Emboffs that GOH would conclude an Article 98 agreement with U.S. They understand fully the importance of this issue to the U.S. We will push the GOH to be among the first Latin American countries to sign an agreement but upcoming UNGA travel schedules of key MFA officials may impede a quick GOH review of the proposed text and delay final GOH approval. End Comment.

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